

would be in full compliance with Federal and State laws govern hardrock mining. This is what some people refer to as the "mine veto."

The BLM found that the requirement to avoid irreparable harm to significant resources values which cannot be effectively mitigated has the greatest potential for affecting mining activities, both large and small. In some cases this provision could preclude operations altogether.

The Clinton-era regulations were spearheaded by Secretary of the Interior Bruce Babbitt and Solicitor John Leshy. During the Elko, Nevada, field hearings this past summer, majority leader, Senator HARRY REID, made the following statements regarding the outcome of the changes to the regulation: "Bruce Babbitt is a friend of mine. But for the mining he was awful." That's what HARRY REID said this year. It was in one of the hearings that we've referred to today.

□ 1315

"He had people there that—John Leshy . . . He tried to destroy mining. Really . . . he didn't believe in it. He wanted it gone. And that created uncertainty."

This new definition for "undue regulation" is a lawyer's dream creating ambiguity fighting about whether we mine instead of how we mine. We don't need more litigation; we need more common sense.

This definition brings so much uncertainty to the regulatory process that we will see a further decline in investments and the exploration and development of our domestic mineral resources. And there is a potential when mines that are in production today transition into the new system outlined in title III or are in the permitting process to expand their operations that those operations could be denied a license to operate, leaving billions of dollars of infrastructure idle.

I can guarantee you that the coal industry, which has played such an important role in the economic well-being of the chairman's district, would not be able to operate under this definition.

This definition alone will drive more companies offshore, making us more dependent on foreign sources of mineral resources and adversely impacting the economic vitality of mining-dependent communities in the West, like Silver City, New Mexico.

Keep in mind that the mining industry pays the highest nonsupervisory wages in the country. It provides benefits including health care, retirement programs, college scholarships, and assistance for employees and their families. Tourism and recreation jobs cannot compete with these high-paying family-wage jobs.

I would urge you to vote "yes" on this amendment, keeping the current standard, protecting American jobs and access to domestic mineral resources.

Mr. Chairman, I yield back the balance of my time.

Mr. RAHALL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Chairman, I would agree with my friend from New Mexico in only the first three words of the statement he just made, and that being it's a simple amendment. Yes, it's a simple amendment. It helps liberate, it eradicates, it eliminates, it erases, it simply guts the fundamental environmental safeguard of this legislation.

We have struggled for many years to find a statutory standard by which hardrock mining on Federal lands must comply with. This bill states that mining must prevent "undue degradation of public lands and resources." That term is defined as "irreparable harm to significant scientific, cultural, or environmental resources on public lands that cannot be effectively mitigated."

And let me stress the use of the words "that cannot be effectively mitigated." It is common practice in this country to mitigate developments, whether it be the construction of a highway, a dam, or a mine. But under this bill, if a mining operation could not be configured under any circumstance to effectively mitigate irreparable harm to save the water supply of a major city, then the Interior Department would have the ability to just say no. The gentleman from New Mexico's amendment would strike the definition in the bill of this term. The amendment would continue a 19th century view that was fashioned in an era when there was no major metropolises in the West. The amendment harkens back to an era that no longer exists. This is a defining moment. This is what we are talking about in the overall thrust of the pending legislation.

Under this bill, we will continue to have mining on Federal lands. I personally believe it will flourish. But the bad actors in the industry, the minority, and I will be the first to readily admit it is a minority, will no longer be allowed on the stage. The responsible industries should be against this amendment because they are the ones, as I said earlier, that want some certainty to their planning decisions so that they can make the investment decisions necessary to run a responsible mining operation with the jobs attendant thereto.

I therefore would urge opposition to the gentleman from New Mexico's amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. PEARCE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gen-

tleman from New Mexico will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. MATSUI

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110-416.

Ms. MATSUI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. MATSUI:  
In section 411—

(1) in subsection (a)(2), before the period insert ", including in river watershed areas"; and

(2) in subsection (b)(3), before the period insert ", which may include restoration activities in river watershed areas".

The CHAIRMAN. Pursuant to House Resolution 780, the gentlewoman from California (Ms. MATSUI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MATSUI. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment to this much-needed legislation. My amendment clarifies that river watersheds will be eligible to receive some of the cleanup funding that will be generated by this bill.

Watersheds are crucial for the health of our Nation. They help move our goods, preserve our ecosystems, and protect our communities from flooding. Managing our Nation's watersheds in a holistic and responsible way is essential. If we do not protect and maintain them, we jeopardize critical parts of our environment that support commerce and recreation.

In arid States like California, Nevada, and Utah, river watersheds are even more important to economic and environmental health. Watersheds support a variety of agricultural, economic, and recreational activities. In my home State of California, for example, the Sacramento River Watershed forms the basis for fertile farmland, thriving urban areas, and outdoor recreational opportunities.

However, many watersheds are located near active and abandoned mines. Years ago rivers represented great economic opportunity. Rivers are where many precious metals are located. But the drive for these minerals has left a negative environmental legacy.

In Nevada, more than 7,000 tons of mercury were deposited into the Carson River Watershed during the quest for silver. In the California foothills, tens of thousands of mines were dug for the gold that was discovered in the watershed running through my district. More than 4,000 of these abandoned mines pose environmental hazards.

We must protect these river watersheds that are vital to our way of life. That is why my amendment is needed. It does not change the underlying structure of this very good bill. But it does make it crystal clear that cleaning up watersheds affected by mining is a priority.